

REMARKS

Applicant has carefully reviewed the Application in light of the Final Office Action transmitted November 16, 2007 ("*Final Office Action*"). Claims 1-3, 5-12, 14-20, 22, 23, 25-31 and 33-37 are pending in the Application, and the Examiner rejects all pending claims. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

I. Rejections under 35 U.S.C. § 102(e)

The Examiner rejects Claims 1-3, 5-12, 14-20, 22, 23, and 25-31 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,804,221 issued to Magret, et al. ("*Magret*"). Applicant respectfully traverses this rejection and submits that *Magret* does not describe, expressly or inherently, each and every limitation of the claims.

Consider Applicant's independent Claim 1, which recites:

A system for distributing packets for communication to a mobile unit comprising:

a mobile unit having a device identifier and an internet protocol (IP) address comprising a first subnet identifier, the mobile unit roaming in a foreign network having a second subnet identifier;

a mobility manager operable to determine a multicast address for the mobile unit based on the device identifier, to receive multicast address requests that include the device identifier, and to communicate the multicast address responsive to the multicast address requests;

a foreign agent in the foreign network, the foreign agent operable to detect the mobile unit, to determine the device identifier for the mobile unit, to communicate a request including the device identifier to the mobility manager, to receive the multicast address from the mobility manager, and to register for a multicast group identified by the multicast address; and

a home agent operable to receive IP packets addressed to the mobile unit, to determine the multicast address associated with the mobile unit, to encapsulate the IP packets as payloads for multicast packets addressed to the multicast address, and to communicate the multicast packets for receipt by devices registered for the multicast group using a packet network.

Applicant respectfully submits that *Magret* fails to describe every element of this claim. Among other aspects, *Magret* fails to describe "a home agent operable to receive IP packets addressed to the mobile unit . . . [and] to encapsulate the IP packets as payloads for multicast packets addressed to the multicast address," as required by Claim 1.

As teaching the claimed “home agent,” the *Office Action* points to home agent 240 and column 13, lines 50-53, 58-60, and 63-64, of *Magret*. *Office Action*, pp. 2-3. In the cited portion, *Magret* teaches that home agent 240 captures packets addressed to a mobile node and tunnels those packets to the mobile node’s care of address, which “corresponds to the [foreign domain’s] MAR’s 230 IP address.” *Magret*, col. 13, ll. 50-54. The foreign domain’s mobile access router (MAR) 230 receives those packets and sends them to a multicast group 260 assigned to the mobile node. *Id.* at col. 13, ll. 54-64. Accordingly, neither the home agent 240 nor the MAR 230 teach “a home agent operable to [both] receive IP packets addressed to the mobile unit . . . [and] to encapsulate the IP packets as payloads for multicast packets addressed to the multicast address,” as Claim 1 requires.

Applicant appreciates the Examiner’s consideration of and response to Applicant’s arguments. In response to these arguments, the *Office Action* explains that “*Magret* teaches MAR 230 can act as a home agent.” *Office Action*, p. 7. However, even if the perspectives as to which domain is foreign and which domain is home were reversed such that *Magret*’s MAR 230 was acting as a home agent, *Magret*’s MAR 230 still fails to teach “a home agent operable to receive IP packets addressed to the mobile unit . . . [and] to encapsulate the IP packets as payloads for multicast packets addressed to the multicast address,” as Claim 1 requires.

Thus, *Magret* does not describe, expressly or inherently, each and every limitation required by Claim 1. Independent Claims 6, 14, 22, and 25 include limitations that, for substantially similar reasons, are not taught by *Magret*. Because *Magret* does not disclose, expressly or inherently, every element of independent Claims 1, 6, 14, 22, and 25, Applicant respectfully requests reconsideration and allowance of Claims 1, 6, 14, 22, and 25 and their respective dependent claims.

II. Rejections under 35 U.S.C. § 103(a)

A. Claims 33-37 are patentable over the *Magret-Kim* combination.

The Examiner rejects Claims 33-37 under 35 U.S.C. § 103(a) as unpatentable over *Magret* in view of U.S. Patent No. 6,070,075 issued to Kim (“*Kim*”).

As described above, Applicant has shown that *Magret* fails to disclose all limitations of independent Claim 25. Accordingly, *Magret* fails to teach or suggest all limitations of

Claims 33-37 because these dependent claims incorporate the limitations of independent Claim 25. *Kim* fails to remedy the deficiencies of *Magret*.

Thus, *Magret* and *Kim*, whether taken alone or in combination, fail to teach or suggest all limitations of Claims 33-37. Because the references fail to teach all limitations of the claims, Applicant respectfully requests reconsideration and allowance of Claims 33-37.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of this Application.

If the Examiner feels prosecution of the present Application may be advanced by a telephone conference, Applicant invites the Examiner to contact the undersigned attorney at (214) 953-6584.

Although no fees are believed to be due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant

A handwritten signature in black ink, appearing to read 'K-Pankratz', with a stylized flourish at the end.

Kurt M. Pankratz
Reg. No. 46,977

Date: January 16, 2008

Customer No. **05073**